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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके ।
Separate paging is given to this Part in order that it may be filed as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 6th November, 1987:—

I

BILL No. XXV OF 1987

A Bill to provide for the welfare of agricultural workers and to regulate their employment and conditions of service and for matters connected therewith.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. (*1*) This Act may be called the Agricultural Workers Act, 1987. Short title, extent and commencement.

(2) It extends to the whole of India.

(3) It shall come into force on such date or dates as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and for different provisions of this Act.

Definitions.

2. In this Act, unless the context otherwise requires,—

(*a*) "adolescent" means a person who has completed his fifteenth year of age but has not completed his eighteenth year of age;

(*b*) "adult" means a person who has completed eighteenth year of age;

(c) "child" means a person who has not completed his fifteenth year of age;

(*d*) "agricultural dispute" means any dispute or difference between employers and employers or between employers and agricultural workers or between agricultural workers and agricultural workers or any dispute raised by a trade union or any recognised organisation which is connected with the employment or non-employment or the terms of employment or the conditions of service of any person.

Explanation.—Where any employer discharges, dismisses, retrenches or otherwise terminates the service of, or denies employment to, an agricultural worker, any dispute or difference between that agricultural worker and his employer connected with, or arising out of, such discharge, dismissal, retrenchment, termination or denial of employment shall be deemed to be an agricultural dispute notwithstanding that no other agricultural worker nor any union of agricultural workers is a party to such a dispute.

(*e*) "agricultural land" means any land, used for cultivation, or for—

(*i*) farming, including the cultivation and tillage of soil;

(*ii*) dairy farming;

(*iii*) production, cultivation, growing and harvesting any horticultural commodity;

(*iv*) raising of livestock, bee-keeping or poultry farming;

(*v*) any practice performed on a farm as incidental to or in conjunction with, the farm operations including any forestry or timbering operations and the preparation for market and delivery to storage or to market or to carriage for transportation of farm products;

(*vi*) fodder or thatching or grass or grazing cattle but does not include any plantation as defined in the Plantations Labour Act, 1951; 69 of 1951

(*f*) "Agricultural Tribunal" means, in relation to any area the Agricultural Tribunal constituted under this Act for that area;

(*g*) "agricultural worker" means a person who follows one or more of the following agricultural occupations as a labourer on hire or in exchange:—

(*i*) farming, including the cultivation and tillage of soil;

(*ii*) dairy farming;

(*iii*) production, cultivation, growing and harvesting of any horticultural commodity;

(*iv*) raising of livestock, bee-keeping or poultry farming;

(*h*) "Fund" means the Agricultural Workers' Fund established under this Act;

(*i*) "Inspector" means an Inspector appointed under this Act;

(*j*) "National Commission for Adjudication" means the National Commission appointed under section 28;

(*k*) "Prescribed" means prescribed by the rules made under this Act;

(*l*) "Registration Officer" means a Registration Officer appointed under this Act;

(*m*) "Scheme" means the Agricultural Workers' Welfare Fund Scheme Framed under this Act;

(*n*) "Wages" means payment received in cash or in kind or both in cash and in kind, and shall include payment of share of the produce, where prevalent, and wages in kind shall include perquisites that a person receives customarily for the work performed such as food grains, cooked meals, fuel, tobacco, housing, clothes, shoes and bonus.

CHAPTER II

AGRICULTURAL TRIBUNAL AND OFFICERS

Constitution of Agricultural Tribunals.

3. (*1*) Every State Government shall, by notification in the Official Gazette, constitute an Agricultural Tribunal for any area specified therein for performing the functions of the Agricultural Tribunal under this Act.

(*2*) The Agricultural Tribunal shall consist of one member having expert knowledge and experience in agriculture who shall be appointed by the appropriate State Government.

Appointment of Registration Officers.

4. (*1*) The State Government may, by an order published in the Official Gazette—

(*a*) appoint such officers of the State Government as it thinks fit, to be the Registration Officers for the purposes of this Act, and

(*b*) define the local limits, within which a Registration Officer shall exercise the powers conferred on him by, or under, this Act.

(*2*) The Registration Officer shall exercise such powers and perform such functions as may be prescribed.

Appointment of Conciliation Officers.

5. The State Government may, by notification in the Official Gazette, appoint for any area specified therein any officer to be a Conciliation Officer for performing the functions of a Conciliation Officer under this Act.

Appointment of Inspectors.

6. (*1*) The State Government may, by notification in the Official Gazette, appoint duly qualified persons, to be the inspectors for the purposes of this Act and define the local limits within which they shall exercise their powers.

(2) Subject to such rules as may be made in this behalf by the State Government, an Inspector may, within the local limits for which he is appointed,—

(a) conduct such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the rules made thereunder are being observed in the case of an agricultural land;

(b) enter, inspect, and examine any agricultural land or part thereof with such assistants, if any being persons in the service of Government or local or other public authority as he thinks fit, at any reasonable time for the purposes of carrying out the purposes of this Act;

(c) examine any agricultural worker employed therein or require the production of any register or other document maintained in pursuance of this Act and take, on the spot or otherwise, statements of any person which he may consider necessary for carrying out the purposes of this Act;

(d) exercise such other powers as may be prescribed.

Facilities to be afforded to Inspectors.

7. Every employer shall afford an Inspector all reasonable facilities for making an entry, inspection, examination or inquiry under this Act.

CHAPTER III

SECURITY OF EMPLOYMENT AND WELFARE

Preference for employment as agricultural workers.

8. (1) The employer shall not employ a new agricultural worker unless he has employed all the agricultural workers who had worked at any time during the previous agricultural season.

(2) In case of permanent employees preference shall be given to those who have worked earlier.

Explanation.—For the purposes of this sub-section, "permanent worker", in relation to an employer means an agricultural worker whom that employer is bound to employ by custom or contract or who is otherwise to work in the agricultural land of that employer.

(3) Notwithstanding anything contained in the foregoing provisions of this section, no employer shall be under an obligation to employ any agricultural worker—

(a) who does not offer himself for employment; or

(b) who is more than sixty-five years of age; or

(c) who is incapacitated and is unable to do the work.

Trade Unions of agricultural workers.

9. (1) A trade union of agricultural workers shall be registered and shall carry on its management and activities in accordance with its constitution and the laws applicable to trade unions.

Explanation I.—A trade union means any combination, whether temporary or permanent, formed primarily for the purpose of regulating relations between employees and employers or between employees and employees or between employers and employers and includes any association of two or more trade unions.

Explanation II.—For the purposes of Explanation I, an employee includes any agricultural worker as defined in the Act.

(2) The subscription payable by the members of such a trade union shall not be less than twenty-five paise per month per member.

Establishment of Agricultural Workers' Welfare Fund.

10. (1) The State Government may, by notification in the Official Gazette, frame a scheme to be called the Agricultural Workers' Welfare Fund Scheme for the establishment of a Welfare Fund under this Act, and as soon as the Scheme is framed, a Fund shall be established in accordance with the provisions of this Act and the Scheme.

(2) The Fund shall vest in, and be administered by, a Board Constituted under section 13.

(3) Subject to the provisions of this Act, the Scheme framed under sub-section (1) may provide for such matters as may be prescribed.

Contribution to the Fund.

11. (1) The State Government shall pay contribution to the Fund in such manner and at such rate as may be prescribed.

(2) The employer shall pay contribution to the Fund in such manner and at such rate as may be prescribed.

(3) Each agricultural worker shall also pay contribution to the Fund in such manner and at such rate as may be prescribed.

Modification of Scheme.

12. The State Government may, by notification in the Official Gazette, make addition to, amend or vary, the Scheme.

Constitution of Welfare Fund Board.

13. (1) The State Government shall, by notification in the Official Gazette, constitute with effect from such date as may be specified in the notification, a Board to be called the Agricultural Workers' Welfare Fund Board for the administration of the Fund.

(2) The Board shall be a body corporated by the name aforesaid having perpetual succession and a common seal and shall by the said name sue or be sued.

(3) The Board shall consist of such number of members as the State Government may determine and the members shall be chosen in such manner as may be prescribed:

Provided that the number of members representing the State Government, the employers, and the agricultural workers shall be equal.

(4) The State Government shall appoint one of the members of the Board to be its Chairman.

(5) The term of office of, and the manner of filling casual vacancies among, the members of the Board shall be such as may be prescribed.

(6) The name of the Chairman and the members of the Board, shall be published in the Official Gazette.

(7) The Board shall administer the Fund in such manner as may be specified in the Scheme.

Appointment of officers of the Board.

14. (1) The State Government may appoint such number of officers as it thinks fit for assisting the Board in the administration of the Fund.

(2) The Officers appointed under sub-section (1) shall exercise such powers and discharge such duties as may be prescribed.

Directions by the Government.

15. The State Government may give directions to the Board and such directions may include directions relating to the recruitment, conditions of service and training of its employees and the wages to be paid to the employees.

Protection from attachment.

16. (1) The amount standing to the credit of any member in the Fund shall not in any way be assigned or charged and shall not be liable to attachment under any decree or order of any court in respect of any debt or liability incurred by the member.

(2) Any amount standing to the credit of a member in the Fund at the time of his death and payable to his nominee under the Scheme shall subject to any deduction authorised by the Scheme, vest in the nominee and shall be free from any debt or other liability incurred by the deceased or the nominee before the death of the member.

(3) Any amount standing to the credit of a member in the Fund at the time of his ceasing to be an agricultural worker, whether on the ground that he is over sixty-five years of the age or on the ground that he is incapacitated and is unable to work or on any other ground, shall, subject to any deduction authorised by the Scheme, be paid to him and shall be free from any debt or other liability incurred by that member before his ceasing to be an agricultural worker.

Employer not to reduce wages etc.

17. No employer shall by reason only of his liability for the payment of any contribution to the Fund reduce, whether directly or indirectly, the wages of any agricultural worker to whom the Scheme applies.

CHAPTER IV

HOURS OF WORK AND LIMITATIONS OF EMPLOYMENT AND WAGES

Hours of work.

18. Save as otherwise expressly provided in this Act, no adult agricultural worker shall be required to work for more than eight hours, with half-an-hour rest, in a day and no adolescent or child for the more than six hours in a day inclusive of half-an-hour rest.

Extra wages for over time work.

19. Where an agricultural worker works in any employment for more than nine hours on any day or for more than forty-eight hours in any week, he shall, in respect of such overtime work, be entitled to wages at double the ordinary rate of wages.

Explanation.—The expression "ordinary rate of wages" means the basic wage plus such allowances including the cash equivalent of the advantages accruing through the concessional sale of foodgrains and other articles, as the person employed is, for the time being, entitled to but does not include a bonus.

Daily intervals for rest.

20. The period of work on each day shall be so fixed that no period shall exceed four hours and that no agricultural worker shall work for more than four hours before he has had an interval for rest of atleast half an hour.

Harvesting wage.

21. In the States, where harvesting wages are prevalent, the wages shall be paid at the threshing floor on which the threshing takes place and no portion of the produce shall be removed from the threshing-floor without payment of the prescribed wages to the agricultural worker concerned.

Wages payable to agricultural workers.

22. (*1*) Every employer shall pay to every agricultural worker employed by him, for each day of work, the wages notified by the State Government in the Official Gazette.

(*2*) The State Government may, from time to time, by notification in the Official Gazette, fix the rate of wages of casual workers engaged on daily basis either for the whole State or for any part thereof so as to make a distinction between the monthly and the daily wages.

Enforcement of payment wages.

23. (*1*) If any employer pays less than the wages notified in the Official Gazette or refuses to pay such wages to any agricultural worker, the agricultural worker, or an official of the trade union of which he is a member, may make an application to the Conciliation Officer for a direction under sub-section (*2*).

(*2*) On receipt of an application under sub-section (*1*), the Conciliation Officer, shall, after giving the applicant and the employer an opportunity of being heard and after such inquiry, if any, as he may consider necessary, direct—

(*a*) In the case of a claim arising out of the payment of less than the wages notified in the Official Gazette, the payment to the agricultural worker of the amount by which the wages notified in the Official Gazette payable to him exceeds the amount actually paid by the employer;

(*b*) in the case of a claim arising out of non-payment of the wages notified in the Official Gazette, the payment of the amount of wages to the agricultural worker.

(*3*) If as a result of a direction under sub-section (*2*) any amount of the wages notified in the Official Gazette, becomes payable to an agricultural worker, the Conciliation Officer may recover that amount from the employer concerned and if such recovery is not possible, the Conci-

liation Officer shall make a report to the Collector or the Deputy Commissioner, as the case may be, specifying the full particulars regarding the amount due to the agricultural worker concerned and on receipt of such report, the Collector or the Deputy Commissioner, as the case may be, shall proceed to recover the same from the employer concerned as if it were an arrear of public revenue on land and the time limit in such cases shall be fixed by the State Government.

(4) The Conciliation Officer shall have such powers, as may be prescribed, to effect the payment of the wages, notified in the Official Gazette, to the agricultural worker.

CHAPTER V

DISPUTES

Settlement of agricultural disputes.

24. (1) Where an agricultural dispute exists or is apprehended, the Conciliation Officer may hold conciliation proceedings and shall, for the purpose of bringing about a settlement of the dispute, without delay investigate the dispute and all matters affecting the merits and the right settlement thereof and may do all such things, as he thinks fit, for the purpose of inducing the parties to come to a fair and amicable settlement of the dispute.

(2) If a settlement of the dispute or of any of the matters in dispute is arrived at in the course of conciliation proceedings, the Conciliation Officer shall send a report thereof to the Labour Commissioner together with a memorandum of settlement signed by the parties to the dispute.

(3) If no such settlement is arrived at, the Conciliation Officer shall, as soon as practicable after the close of the investigation, send to the District Collector or the Deputy Commissioner, as the case may be, a full report setting forth the steps taken by him for ascertaining the facts and circumstances, and the reasons on account of which, in his opinion, a settlement could not be arrived at:

Provided that in a case where the agricultural dispute relates to an agricultural land situated within the local limits of more than one revenue district, the Conciliation Officer shall send the report to the District Collector or the Deputy Commissioner, as the case may be, in whose jurisdiction the major portion of such land is situated.

(4) If on a consideration of the report referred to in sub-section (3), the District Collector or the Deputy Commissioner, as the case may be, is satisfied that there is a case for reference to an Agricultural Tribunal, he may, by order in writing, refer the agricultural dispute to the said Tribunal for adjudication and where the District Collector or the Deputy Commissioner, as the case may be, does not make such a reference, he shall record and communicate to the parties concerned the reasons therefor.

(5) Where an agricultural dispute has been referred to an Agricultural Tribunal under sub-section (4), the Tribunal shall hold its proceedings expeditiously and shall, as soon as practicable after the conclusion of the proceedings, but not later than thirty days from the date of receipt of the reference by the Tribunal, submit its award to the District Collector or the Deputy Commissioner, as the case may be.

(6) The District Collector or the Deputy Commissioner, as the case may be, shall, within a period of fifteen days from the date of receipt of the award referred to in sub-section (5) cause the same to be published in his office and in the office of the Agricultural Tribunal in such manner as may be prescribed and shall also forward copies of the award to the parties concerned.

(7) An award referred to in sub-section (5) shall, subject to any order of the State Government under section 26, become enforceable on the expiry of ten days from the date of its publication in the manner provided in sub-section (6).

(8) Every memorandum of settlement referred to in sub-section (2) and, subject to any order of the State Government under section 26, every award of an agricultural Tribunal shall be final and shall be given effect to by the parties to the agricultural dispute.

Appeal.

25. An appeal shall lie to the Agricultural Tribunal against any order passed by a Conciliation Officer under section 24 with a period of thirty days from the date of the order appealed against and the decision of the Agricultural Tribunal on such appeal shall be final.

Reference of dispute by Government.

26. (1) Notwithstanding anything contained in section 24, where any agricultural dispute exists or is apprehended, the State Government may, by order in writing and for reasons to be stated therein,—

(a) refer the dispute to the Agricultural Tribunal constituted for the area in which the dispute exists or is apprehended for adjudication; or

(b) decide the dispute itself and pass an award.

(2) Where a dispute is referred to an Agricultural Tribunal under clause (a) of sub-section (1), the provisions of sub-section (5) (6), (7) and (8) of section 24 shall apply as if the reference to the Tribunal were made by the District Collector or the Deputy Commissioner, as the case may be, under sub-section (4) of that section.

(3) The State Government shall cause every award passed by it under clause (b) of sub-section (1) to be published in the Official Gazette and in such other manner as may be prescribed.

(4) An award referred to in sub-section (3) shall be final, shall be given effect to by the parties to the agricultural dispute and shall be enforceable on the expiry of five days from the date of its publication in the Official Gazette.

Reference of dispute for adjudication.

27. (1) Where the decision of the grievance settlement authority is not acceptable to either party or to both the parties to the dispute or the parties are not agreeable to refer the dispute to a mutually agreed arbitrator, the aggrieved party may appply in the prescribed manner to the Labour Court for adjudication of the dispute.

(2) Notwithstanding anything contained in sub-section (1), if any individual dispute arises in respect of the termination of the employment of any employee or the discharge or dismissal of such employee by way of punishment, such employee may apply, in the prescribed

manner, to the Labour Court for adjudication without referring the dispute to the grievance settlement authority or for arbitration.

(3) No application shall be made to the Labour Court after the expiry of one year from the final decision of the grievance settlement authority:

Provided that the Labour Court may entertain an application after the expiry of the aforesaid period—

(a) If the Labour Court is satisfied that the delay in making the application is for sufficient reasons or for reasons beyond the control of the party making the application; and

(b) If the parties to the dispute make the application jointly and agree that the application may be entertained notwithstanding the expiry of the aforesaid period of one year.

Reference of dispute to National Commission for Adjudication.

28. (1) Where the Central Government is of the opinion on a request made in that behalf by the appropriate Government (being a State Government or otherwise) that any industrial dispute exists or is apprehended and the dispute involves any question of national importance or is of such a nature that industrial establishments or undertakings situated in more than one State are likely to be interested in or affected by such dispute, and that the dispute should be adjudicated by a National Commission which shall be constituted by the Central Government by notification in the Official Gazette with the consent of two or more States in the manner and on such conditions as may be prescribed, then, the Central Government may, whether or not it is the appropriate Government in relation to that dispute by order, refer the dispute or any matter connected therewith, or relevant thereto, to a National Commission for Adjudication.

(2) No dispute shall be referred for adjudication under this section where the parties to the dispute agree to refer the dispute for arbitration.

CHAPTER VI

PENALTIES AND PROCEDURE

Penalty.

29. If any person—

(a) contravenes any of the provisions of this Act or any rule made thereunder; or

(b) fails to comply with the direction given or requisition made, if any, to him; or;

(c) knowingly makes, or causes to be made, any false statement or representation;

he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to rupees five hundred or with both.

Offences by companies.

30. (*1*) If an offence is committed under this Act by a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business, as well as the Company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(*2*) Notwithstanding anything contained in sub-section (*1*), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, and director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purpose of this section—

(*a*) "company" means any body corporate and includes a firm or other association of individuals whether incorporated or not; and

(*b*) "director" in relation to a firm, means a partner in the firm.

Cognizance of offence.

31. (*1*) No court shall take cognizance of any offence punishable under this Act, save on a complaint made by, or under the authority of, the State Government.

(*2*) No court inferior to that of a Magistrate of the First Class shall try and offence punishable under this Act.

Enhanced penalty for second and subsequent conviction.

32. If any person who has been convicted of any offence punishable under this Act is again found guilty of an offence involving contravention of the same provisions, he shall be punishable, on a subsequent conviction, with imprisonment for a term which shall not be less than one month but which may extend to six months and with fine which shall not be less than five hundred rupees, but which may extend to two thousand rupees:

Provided that for the purpose of this Section, no cognizance shall be taken of any conviction made more than five years before the commission of the offence which is being punished.

Limitation of prosecutions.

33. No court shall take cognizance of an offence punishable under this Act unless the complaint is made within six months from the date on which the alleged commission of the offence comes to knowledge of the Government or an Officer authorised in that behalf.

Constitution of Employment Guarantee Board.

34. (*1*) The State Government may set up an Employment Guarantee Board, tripartite in character, having representatives of the State Government, employers and agricultural workers to supervise the Employment Guarantee Scheme and Social Security Scheme.

(2) The Chairman of the Board shall be nominated by the State Government.

(3) The Board shall plan alternative or part-time employment and self empoyment during lean seasons and natural calamities.

CHAPTER VII

MISCELLANEOUS

Register of agricultural workers.

35. Every registering authority shall prepare and maintain a Register of agricultural workers residing within the jurisdiction of that authority in such manner and with such particulars, as may be prescribed.

Maintenance of registers and records by the employer.

36. Every employer shall maintain such registers and records containing such particulars as may be prescribed.

Bar of jurisdiction of civil courts.

37. No civil court shall entertain any suit to set aside or modify any order or decision of any Tribunal, Authority or officer under this Act.

Powers to take evidence, oath etc.

38. (1) Any Tribunal, Authority or officer, exercising powers under this Act, shall have the same powers as vested in Civil Court under the Code of Civil Procedure, 1908, when trying a suit, in respect of the following matters, namely:—

(a) enforcing the attendance of any person and examining him on oath;

(b) requiring the discovery and production of documents;

(c) receiving evidence;

(d) issuing commission for the examination of witnesses; and

(e) such other matters as may be prescribed.

(2) Any proceeding before a Tribunal, Authority or officer under this Act, shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Code of Civil Procedure, 1908 and for the purposes of section 196 of the Indian Penal Code. 45 of 1860

Recovery of money due from employer.

39. (1) Where any money is due to an agricultural worker from the employer under this Act, the agricultural worker himself, or any other person authorised by him in writing in that behalf or in the case of the death of the agricultural worker, his assignees or heirs, may make an application to the District Collector or Deputy Commissioner, as the case may be, for the recovery of the money due to him and if the District Collector or the Deputy Commissioner is satisfied that the money is so due he shall proceed to recover the amount of that money as if it were an arrear of public revenue due on land:

Provided that every such application shall be made within one year from the date on which the money became due to the agricultural worker from the employer.

(2) Any amount of money due from the employer as contribution to the Fund or a Scheme under this Act shall, if the amount is in arrear, be recovered as if it were an arrear of public revenue due on land.

Act to have effect notwithstanding anything inconsistent in any other law.

40. The provisions of this Act and the Scheme and the rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the coming into force of this Section:

Provided that where under any such award, agreement, contract of service, custom or otherwise, any agricultural worker was enjoying immediately before the coming into force of this section benefits in respect of any matter, which are more favourable to him than those to which he would be entitled under this Act, the agricultural worker shall be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act.

Act not to apply marginal farmers.

41. Nothing contained in this Act save other sections 18, 19, 20, 21, 23, 25, 26 and 40, shall apply in relation to a marginal farmer who does not hold more land than one irrigated hectare or two unirrigated hectares.

Members of the Board, etc. to be public servants.

42. Every member of the Board and every officer appointed under this Act shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

45 of 1860.

Protection against action taken in good faith.

43. No suit, prosecution or other legal proceedings shall lie against the State Government or any Tribunal, Authority or Officer in respect of anything which is done in good faith or intended to be done in pursuance of this Act or the Scheme or any rule or order made under this Act.

Prohibition of unfair labour practices.

44. An employer shall not support or encourage any unfair labour practice resulting in interference with the right of agricultural workers to enrol or continue as union members, discrimination restraint or coercion against any employer because of recognised activity of trade union, and victimization of any employee and abuse of authority in any form.

Power to make rules.

45. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the form and manner in which application for registering agricultural workers may be made;

(b) the wage rates and overtime rates which an agricultural worker is entitled to under this Act;

(c) the form of registers and records to be maintained;

(d) the powers of the Conciliation Officer;

(e) the procedure to be followed by the Conciliation Officer and the Agricultural Tribunal;

(*f*) the fees to be paid for applications and appeals under this Act;

(*g*) the manner of estimating the cash value of the wages paid in kind;

(*h*) the procedure to be followed by State Government under sections 24 and 25;

(*i*) any other matter which has to be, or may be, prescribed under the provisions of this Act.

STATEMENT OF OBJECTS AND REASONS

The problems of agricultural labour have been under consideration of the Government for quite some time. Various All-India Agricultural Labour Enquiries, the Rural Labour Enquiry and the All-India Seminar on Agricultural Labour in 1965 highlighted the problems of agricultural Labour *e.g.* unemployment, under-employment, low wages, lack of amenities, inadequate housing, lack of organisation; resulting in a low standard of living.

Keeping in view the fact that India is a predominantly rural country, with nearly 80 per cent of its population living in rural areas, the problems of agricultural workers assume greater importance because of the sheer number involved. According to the 1971 Census, agricultural labourers in India numbered 47-48 millions against 31.52 millions in 1961. The Rural Labour Enquiry 1974-75, estimated that agricultural labour households form about 86 per cent. of the rural labour households and that the total population covered in the category of agricultural labour was 335 millions, of which about half would be wage earners. The average earnings of wages per man-day for agricultural labour households, as revealed by the 25th round of the National Sample Survey, focus the abysmal poverty of the agricultural workers of our country.

The following laws relate to various aspects of organised and unorganised labour applicable throughout India to a limited extent:—

(1) Minimum Wages Act, 1948

(2) Payment of Wages Act, 1936

(3) Employees' Provident Fund and Miscellaneous Provisions Act, 1952

(4) Payment of Gratuity Act, 1972

(5) Industrial Disputes Act, 1947

(6) The Trade Union Act, 1926

(7) Workmen's Compensation Act, 1923

(8) Employees' State Insurance Act, 1948

(9) Maternity Benefit Act, 1961.

6. There is, however, no legislation with totality of approach to the problems of agricultural labour, barring the Kerala Agricultural Workers Act, 1974 which is a comprehensive legislation for agricultural workers in Kerala. At present, the main Central Legislation to safeguard the interests of agricultural workers is the Minimum Wages Act, 1948. States and Union territories responsible for the enforcement of this Act have

been urged, from time to time, to ensure strict enforcement of the notified minimum wages by strengthening the administrative set up, utilising the staff of other Departments, *e.g.* Revenue, Agriculture, Rural Development etc., increasing the number of claims authorities and by giving wide publicity to the notified wages. Though some progress has been made, there are, however, frequent reports about the non-payment of notified minimum wages to agricultural workers.

7. The question of a Central legislation on the conditions of living and of work of agricultural workers was under consideration of the Government of India for quite some time. As early as May 1975, the second meeting of the Standing Committee on Agricultural Labour underlined the need for a Central legislation on the subject. In July, 1975, the 26th Session of the Labour Ministers' Conference commended the Kerala Agricultural Workers' Act, 1974 and suggested adoption of a uniform Central legislation on the subject.

In view of the large number of agricultural workers in India, whose conditions are at present not adequately safeguarded by the existing legislation, enactment of a Central legislation would go a long way in ameliorating the problem of agricultural labour to a considerable extent.

Hence, this Bill.

CHITTA BASU.

FINANCIAL MEMORANDUM

Clause 3 of the Bill empowers the State Governments to constitute Agricultural Tribunals. Clause 6 provides for the appointment of inspectors; Clause 10 empowers the State Governments to frame a Scheme called Agricultural Workers' Welfare Fund Scheme; Clause 11 provides for the contribution by the Government to the Fund; Clause 13 for the constitution of the Agricultural Workers' Welfare Fund Board; Clause 14 for the appointment of officers of the Board; and Clause 34 empowers the State Government to set up an Employment Guarantee Board. The expenditure involved in these matters will be met from the Consolidated Fund of the States. Expenditure from the Consolidated Fund of India will be incurred only in respect of the Union territories. A sum of Rs. 16 lakhs is, therefore, likely to be involved as annual recurring expenditure from the Consolidated Fund of India. And, in addition, a sum of Rs. 5 lakhs is also likely to be involved on account of non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 45 empowers the State Government to make rules for carrying out the purposes of this Bill. The delegation of legislative powers is, thus of normal character.

II

BILL NO. XXXIX OF 1987

A Bill to provide for the abolition of the practice of Sati and matters incidental thereto.

BE it enacted by Parliament in the Thirty-eighth Year of the Republic of India as follows:—

Short title and extent.

1. (*1*) This Act may be called the Sati Abolition Act, 1987.

(*2*) It extends to whole of India.

Abolition of Sati.

2. The practice of Sati is hereby abolished.

Explanation. "Sati" for the purposes of this Act, means self-immolation voluntary, or otherwise by the widow on the pyre alongwith the body of her deceased husband in observance of any custom or practice of any caste, religion, superstition, or otherwise.

Attempt to commit Sati.

3. Whoever attempts to commit Sati and does any act towards the commission thereof shall be punished with imprisonment for a term which may extend to three months.

Abetment of Sati.

4. Whoever abets the commission of Sati directly or indirectly shall be punished with death.

Upholding of Sati.

5. Whoever by any act or words, spoken or written, directly or indirectly, upholds the practice of Sati, participates by attendance or otherwise in the commission thereof, propagates, glorifies consecretes or eulogises such practice, or raises any memorial or temple or shrine for any person who has committed Sati, or organises or participates in any mela in connection with Sati or performs any rite or ritual in connection therewith, shall be punished with imprisonment for life.

STATEMENT OF OBJECTS AND REASONS

The recent ghastly incident of one young newly married woman Roop Kunwar practising Sati at Deorala in Rajasthan on the 4th September, 1987, has stirred the conscience of the whole nation. This incident compels each one of us to ponder over the situation in which a criminal act of widow burning is committed by a frenzied mob as a social practice enjoying so-called religious sanction. It passes comprehension that in a modern secular democratic society like ours religion approves and preaches murder in such sanctified form. It is an outrage upon the dignity of women in free India. It is in fact, an open conspiracy on the part of certain unscrupulous vested interests to make profit by drawing upon the medieval sentiments. It is seen as a lucrative enterprise. The prosperity that has dawned on Deorala after this incident points out to this dangerous commercial aspect. The glorification of Sati, raising of memorials and temples for those who commit Sati, celebration of mahotsav and mass participation in the procession leading to the Commission of Sati, in various ceremonies, rites and functions connected therewith, are all different processes of the obnoxious scheme to achieve that end.

It is the law of Nature that who ever takes birth wants and struggles to survive and to live, as such, it is unimaginable that a young woman just stepping in the bloom of her youthful life can think of putting an end to her life even at the misfortune of the death of her husband, more so, of voluntarily burning hereself alive on his pyre. If she agrees to do it or actually does it as in this incident, it cannot naturally be without the unbearable pressures, and influences of the leaders of the concerned community and the religion, effected directly or indirectly on the community in general and on her in particular. Such a woman is, in fact, compelled and forced to burn herself in the name of practising Sati. This pernicious practice is then being held high and eulogised in various forms.

The practice of Sati is blatant negation of the fundamental right to live and no Nation can allow it to happen. The plea of non-interference in the religious right can be considered to be an act of collaboration with the offenders.

It is extremely tragic that the administration had failed to curb the adventure of criminals, that the national will has faltered and the leaders had not acted on time.

It is, therefore, felt that it is the time to react against such incidents decisively by enacting a stringent central law to make secure the lives and dignity of women and to root out the medieval barbarism and revivalism.

Hence, this Bill.

GURUDAS DAS GUPTA.

SUDARSHAN AGARWAL,
Secretary-General.

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